

Town of Cummington

**Environmental Notification Form
Write-up**

Bryant Cemetery Expansion

October 26, 2021

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Description of Project

The Bryant Cemetery is a historic cemetery located on Trow Rd in the Town of Cummington, Massachusetts. The parcel is identified by the assessors as 014.0-0003-0000.0 (map 14, lot 3). Trow Rd is a quiet dirt road, with only 4 homes on it. There is minimal road traffic. See exhibit A for photos.

The earliest known headstone in the cemetery belongs to John Warner who died in 1776 at 21 years old. Peter Bryant, the father of the famous poet William Cullen Bryant, was buried in the cemetery in 1820. See exhibit B for photos of gravestones. There are empty grave sites that have been reserved by families, but otherwise the cemetery is at capacity.

The Bryant Cemetery expansion project will add an additional 33,074 sqft (.76 acres) of land to the back of the cemetery. The expansion will allow families to continue to bury their loved ones in this lovely cemetery for many years to come. See exhibit C for a panoramic photo of the back wall of cemetery.

The south line of the parcel is on Trow Rd, the west line is wooded, the north line is wooded, and east line has a small band of trees and a hay field. The west, north and east lines are all abutted by the Bryant Farm. The Bryant Farm land surrounding the cemetery is in an Agricultural Preservation Restriction (APR), dated September 1, 1983, and recorded at the Hampshire County Registry of Deeds in book 2413, page 73. A survey of the Bryant Farm was recorded on December 12, 1983 in book 126, page 4. The survey includes the Bryant Cemetery, see exhibit D. The Bryant Farm, Russell L. Sears III, and family offered to donate land on the north line (rear) of the cemetery to enlarge it, see exhibit E for the letter.

U.S.G.S. maps of the project location are shown in exhibit F. The proposed expansion of the Bryant cemetery has been surveyed, see exhibit G for the plan.

APR Land

Release of APR land

The Town of Cummington is working with State Conservation Services to swap land the town owns for the APR land behind the cemetery. The Town of Cummington owns a 5.128 acre parcel on West Cummington Road, assessors identification 007.0-002400000.0 (map 7, lot 24), recorded at the Hampshire County Registry of Deeds book 11518, page 298, November 8, 2013, shown as parcel A on plan 115, page 34, see exhibit H for plan, and exhibit I for U.S.G.S. maps. The taking was recorded on April 19, 2011 in book 10528, page 162. The appraisal of both parcels was done by the Cummington Board of Assessors, see exhibit J for the appraisals. The 33,075 sqft parcel of land behind the cemetery was appraised at \$3,200, and the 5.128 acre land on West Cummington Road was appraised at \$37,000.

The 5.128 acre parcel is wooded. The northerly boundary of the property is West Cummington Rd, the easterly abutter has a residential home, the westerly abutter is residential wooded land, the southerly abutter is owned by the Bryant Farm, and is also in APR. The 5.128 acre parcel is now under the jurisdiction of the Conservation Commission. The parcel is located 500' from a National Heritage and Endangered Species Program (NHESP) priority habitat of rare species and wildlife. The parcel will provide a protected environment, preserving habitats and natural communities.

At a special town meeting on November 7, 2019, "... our Selectman Monica M. Vandoloski, came forth to request a straw vote from the 45 registered voters at this Special Town Meeting to allow the Town of Cummington to put a conservation restriction on the 5.1 acres on West Cummington Road, in which the town acquired in a Judgement in Tax Lien Case recorded Hampshire Registry of Deeds on 11/8/2013. The State Conservation Services is asking a Conservation Restriction on Assessor map 7 Lot 24 to allow us to accept the Bryant Farms -Russell L. Sears, III and family- offer, to add 33,075 square feet, to the Bryant Cemetery which is full at this time. For the past seven plus years the Board of Selectmen has worked with the Assistant Commissioner of Agriculture, at the time our Representative Steve Kulik, Commissioner of Agriculture Lebeaux, Representative Natalie Blais, and Senator Adam Hinds on receiving this extra land, by taking it out of Agricultural Preservation Restriction program. After some discussion, a motion was made, seconded and voted unanimously to allow the selectmen to put forth the straw vote of 45 yes votes, to allow a Conservation Restriction on the 5.1 acres of land on West Cummington Road, Assessor map 7 lot 24."

As part of the acts (2019), Chapter 127, the state legislature voted to approve "...SECTION 3. (a) To ensure a no-net-loss of protected open space and as a condition of the release authorized in section 1, the Town of Cummington shall dedicate for conservation purposes under Article XCVII of the amendments to the constitution of the Commonwealth and under the care and control of the conservation commission of the Town of Cummington, a certain parcel of town-owned land located on West Cummington road, consisting of approximately 5.1 acres, more or less, shown as "Parcel A" in a plan entitled "Plan of Land in Cummington, Massachusetts Prepared for Knud H. Simonsen" dated March 7, 1978, recorded in the Hampshire county registry of deeds in book 115, page 34 and taken by the town of Cummington pursuant to an order of taking dated March 25, 2011 recorded with the Hampshire county registry of deeds in book 10528, page 162..."

At a special town meeting on June 25, 2021, "ARTICLE 9: Motion made, seconded and after some discussion voted unanimously to transfer a parcel of land 5.128 acres on West Cummington Road to the Cummington Conservation Commission. This was acquired by the town through tax taking in 2011 shown in Hampshire Registry of Deeds Book 10528 page 162. Parcel B on Plan of Land in Plan Book 115 page 34."

Article 97 Policy

Article 97 Policy No-net-loss. 6 conditions for deposition.

1. *All other options to avoid the Article 97 disposition have been explored and no feasible and substantially equivalent alternatives exist (monetary considerations notwithstanding).*

See alternative analysis on page 9 of this write-up.

2. *The disposition of the subject parcel and its proposed use do not destroy or threaten a unique or significant resource (e.g., significant habitat, rare or unusual terrain, or areas of significant public recreation), as determined by EOEa and its agencies; Article 97 Land Disposition Policy February 19, 1998. The subject parcel and the proposed use of expanding the cemetery do not destroy or threaten a unique or significant resource.*

On September 20, 2021 the OLIVER GIS layers were checked. No wetlands, or endangered species are located on the project land. It is not within a mile of an environmental justice population layer. The Climate Change Adaptation and Resiliency (“Interim Protocol”) tool was consulted, and a report was generated. The report (can be found as a PDF attached, not located in the appendix), found that the project score was low in ecosystem benefits. For exposure, it was found to be not exposed to sea level rise/storm surge, scored moderate exposure in extreme precipitation- urban flooding, not exposed to riverine flooding, and high exposure for extreme heat.

3. *As part of the disposition, real estate of equal or greater fair market value or value in use of proposed use, whichever is greater, and significantly greater resource value as determined by EOEa and its agencies, are granted to the disposing agency or its designee, so that the mission and legal mandate of EOEa and its agencies and the constitutional rights of the citizens of Massachusetts are protected and enhanced.*

As part of the acts (2019), Chapter 127, the state legislature voted to approve “...SECTION 3. (a) To ensure a no-net-loss of protected open space and as a condition of the release authorized in section 1, the Town of Cummington shall dedicate for conservation purposes under Article XCVII of the amendments to the constitution of the Commonwealth and under the care and control of the conservation commission of the town of Cummington, a certain parcel of town-owned land located on West Cummington road, consisting of approximately 5.1 acres, more or less, shown as “Parcel A” in a plan entitled “Plan of Land in Cummington, Massachusetts Prepared for Knud H. Simonsen” dated March 7, 1978, recorded in the Hampshire county registry of deeds in book 115, page 34 and taken by the Town of Cummington pursuant to an order of taking dated March 25, 2011 recorded with the Hampshire county registry of deeds in book 10528, page 162...”

See release of APR on page 4 of this write-up for more details.

4. *The minimum acreage necessary for the proposed use is proposed for disposition and, to the maximum extent possible, the resources of the parcel proposed for disposition continue to be protected;*

At a special town meeting on June 25, 2021, “ARTICLE 9: Motion made, seconded and after some discussion voted unanimously to transfer a parcel of land 5.128 acres on West Cummington Road to the Cummington Conservation Commission. This was acquired by the town through tax taking in

2011 shown in Hampshire Registry of Deeds Book 10528 page 162. Parcel B on Plan of Land in Plan Book 115 page 34.” The land swap is 33,075 sqft of land for 5.128 acres (223,376 sqft). The town will register a document at the Hampshire County Registry of Deeds confirming the vote on June 25, 2021 and restricting the town from selling the property.

5. *The disposition serves an Article 97 purpose or another public purpose without detracting from the mission, plans, policies and mandates of EOEA and its appropriate department or division.*

The land swap serves the disposition of the Article 97 purpose, as it makes sure there is a no-net-loss and keeps the 5.128 acres under the care and control of the conservation commission in perpetuity.

6. *The disposition of a parcel is not contrary to the express wishes of the person(s) who donated or sold the parcel or interests therein to the Commonwealth.*

The owners of the parcel in APR want to donate the land to the town to be used to expand the Bryant Cemetery, see exhibit E.

Project Scope of Work and Historical Commission

The scope of the work will occur on parcel A of a plan, see exhibit G. The Historical Commission was consulted regarding this project. The chairman of the Historical Commission sent an email dated September 29, 2021 stating: “The members of the Cummington Historical commission do not feel that an addition to the Bryant cemetery will harm the historic nature of the site. The new part will be separated from the old by a stone wall with an opening in the wall keeping the historic part intact.”

Once funding has been acquired, the town will remove approved trees. The land will be stumped and seeded with a grass seed mix with species suitable for the northeast. If sufficient funding allows; a fence or stone wall will be placed around the perimeter. The fence or stone wall will be in keeping with the historic nature of the cemetery. A small opening in the old stone wall on the north line of the original cemetery will be removed to provide access for foot traffic. No other part of the original cemetery will be disturbed.

Critical Environmental Concerns

The subject parcel and the proposed use of expanding the cemetery do not destroy or threaten a unique or significant resource.

On September 20, 2021 the OLIVER GIS layers were checked.

- No wetlands, or endangered species are located on the project land.
- It is not within a mile of an environmental justice population layer.

The Climate Change Adaptation and Resiliency (“Interim Protocol”) tool was consulted and a report was generated. The Climate Change Adaptation and Resiliency (“Interim Protocol”) tool was consulted, and a report was generated. The report (can be found as a PDF attached, not located in the appendix), found that the project score was low in ecosystem benefits. For exposure, it was found to be not exposed to sea level rise/storm surge, scored moderate exposure in extreme precipitation- urban flooding, not exposed to riverine flooding, and high exposure for extreme heat.

Alternative Analysis

The Town of Cummington has 8 town cemeteries.

Bryant Cemetery, Trow Rd, 014.0-0003-0000.0, .8 acres.

Capacity: Full.

Notes: Abutting land in APR. Approx. 850' down the road to nearest house. A mobile home is located within 300' of the cemetery. However, this has not been lived in for many years, it is currently dilapidated, and being valued at \$100. Therefore, this property was not considered in the analysis.

Cobb Cemetery, Porter Hill Rd, 029.0-0018-0000.0, .25 acres.

Capacity: Unknown

Notes: Surrounded by residential land. Used for many years as private family cemetery for the Cobb family. Located inside a private home lot at 104 Porter Hill Rd. This is a very small cemetery; with pedestrian easement for family members of the individuals buried here. Located approx. 350' from the private home.

Dawes Cemetery, Potash Hill Rd, 022.0-0017-0000.0, 1.5 acres.

Capacity: Space available.

Notes: Abutting land is residential, and in chapter 61A. One of the largest cemeteries in town, it has already been expanded. Three houses are located within approx. 300' of the cemetery.

Gurney Cemetery, Mount Road, 036.0-0005-0000.0, unknown.

Capacity: Unknown

Notes: Abutting land is in chapter 61. Used for many years as a private family cemetery for the Gurney family. Four houses located within 200' of the cemetery.

Harlow Cemetery, Harlow Rd, 017.0-0018-0000.0, .8 acres.

Capacity: Space available

Notes: Abutting land is in chapter 61A, and chapter 61B. Two houses are located within approx. 300' of the cemetery. Located near a wetland.

Streeter Cemetery, Stage Rd, 008.0-0008-0000.0, .72 acres and 008.0-0014.0000.0, .72 acres

Capacity: Space available.

Notes: Originally donated to the town by William Streeter in 1972, an additional expansion of the cemetery happened in 1978. Abutting land is residential, and in chapter 61A. Two houses located within approx. 300' of the cemetery. Located near a wetland.

Village Cemetery, Main St, 023.D-0014-0000.0, 1 acre

Capacity: Near capacity

Notes: Abutting land is residential and in the village district. Approx. 9 houses located within approx. 300' of the cemetery.

The Town of Cummington reviewed the above cemeteries to determine what the best course of action would be to expand the burial grounds within town. The Bryant Cemetery houses several generations of local families. Since the Bryant Cemetery is at full capacity, if the town does not expand the Bryant Cemetery, the town will have to tell residents that they cannot be buried in the Bryant cemetery with their family. Expanding the Bryant Cemetery will not affect any adjacent houses, as the nearest one is 850' down the road. The rest of the cemeteries have at least 1 house within 300', with the majority of the cemeteries having 2-3 houses within 300'. Expanding other town cemeteries could increase traffic and parking to those areas, negatively affecting the residents living adjacent to the cemeteries. Several of the cemeteries are located near a wetland. The Bryant Farm and Sears family want to donate the land to expand the Bryant Cemetery to the town, "It is our hope that this donation extends the life of the Bryant Cemetery another..." No other cemetery in town has a willing landowner, does not affect a residential home, and has a limited environmental impact. Therefore, the Town of Cummington felt, that although the land surrounding the Bryant Cemetery is in APR, it would be the best way to expand our burial grounds. The voters of town agreed, as they unanimously approved the idea at the straw poll at special town meeting on November 7, 2019 and voted to approve the land swap at a special town meeting on June 25, 2021. The state legislation also agreed, when it was approved the Acts (2019), Chapter 127.

APPENDIX

Exhibit A Trow Road and cemetery photos.



Exhibit B
Oldest and historic gravestones



Exhibit C
Panoramic photo of back of cemetery, expansion will extend beyond this wall.



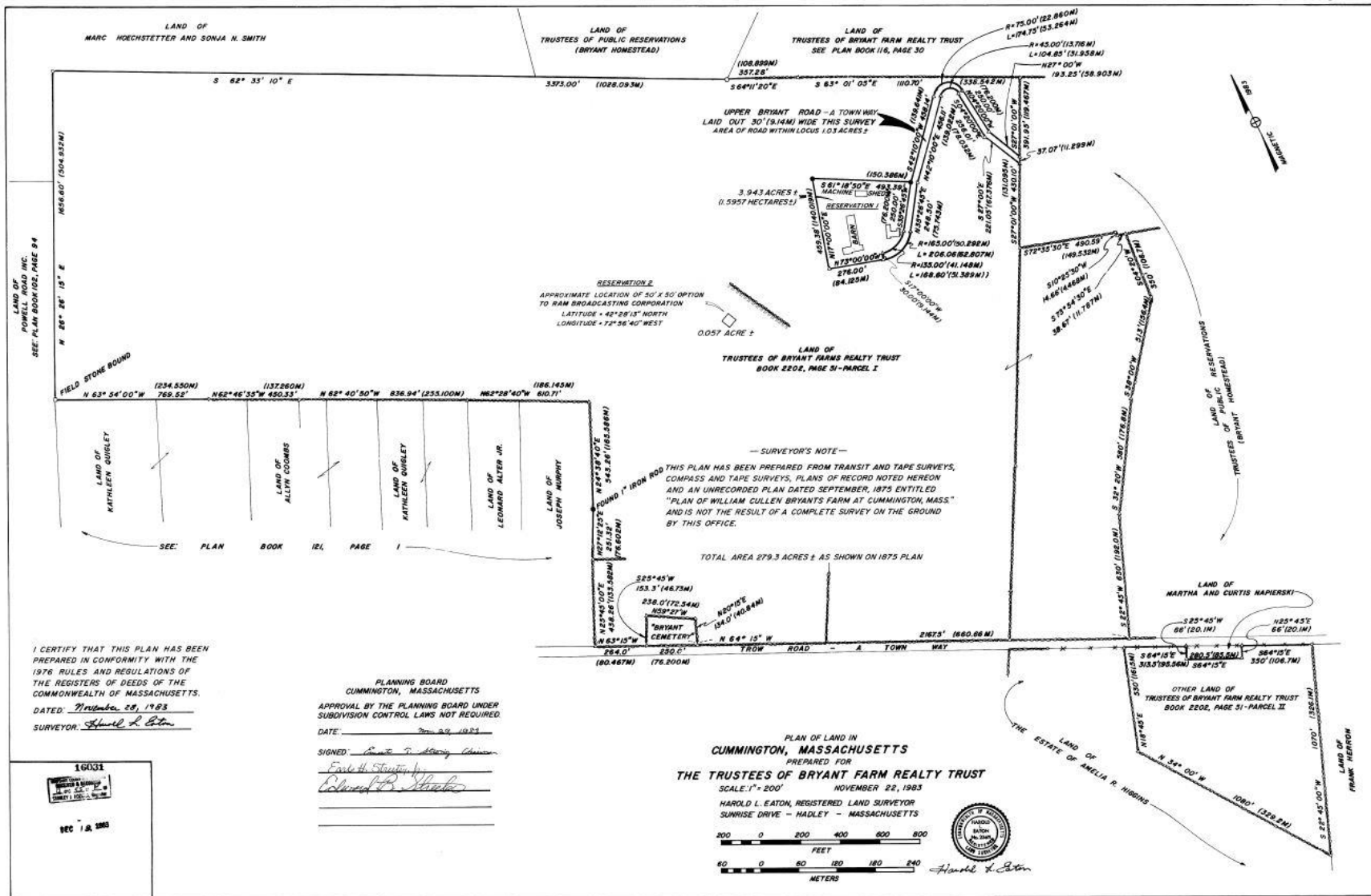


Exhibit E
Sears Letter

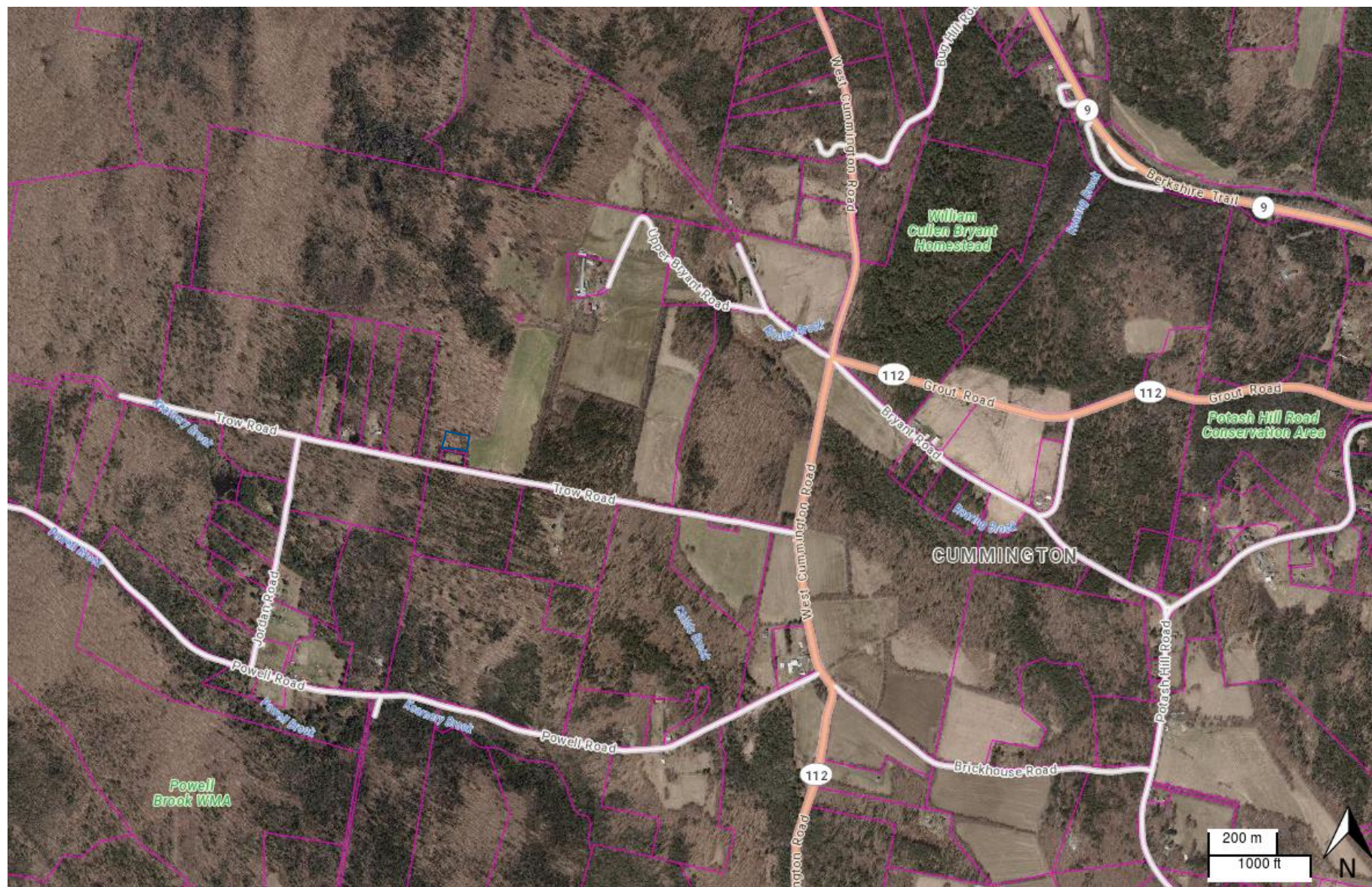
Bryant Cemetery is one of the oldest cemeteries in town. It is considered by many as the most picturesque cemetery in Cummington.

Cummington's early settlers were concentrated on the hills and Bryant Cemetery's location high up on Bryant Mountain combined to make it the final resting place for many of the founding fathers of the town.

The cemetery is $3/4$ acre in size bordered on the south by a town road and on the east, west and north by land of Bryant Farm Realty Trust (The Bran family). There are four generations of our family buried there and other multi-generational families represented too. The cemetery is close to capacity and in order to allow continued burials, there requires action on my families part. We are willing to donate a $3/4$ acre parcel adjacent to the cemetery, bordering the north wall so that all families that wish to be buried in the Bryant Cemetery can be accommodated.

It is our hope that this donation extends the life of Bryant Cemetery another several hundred years.

Exhibit F
U.S.G.S. Map, project location is shown in blue.



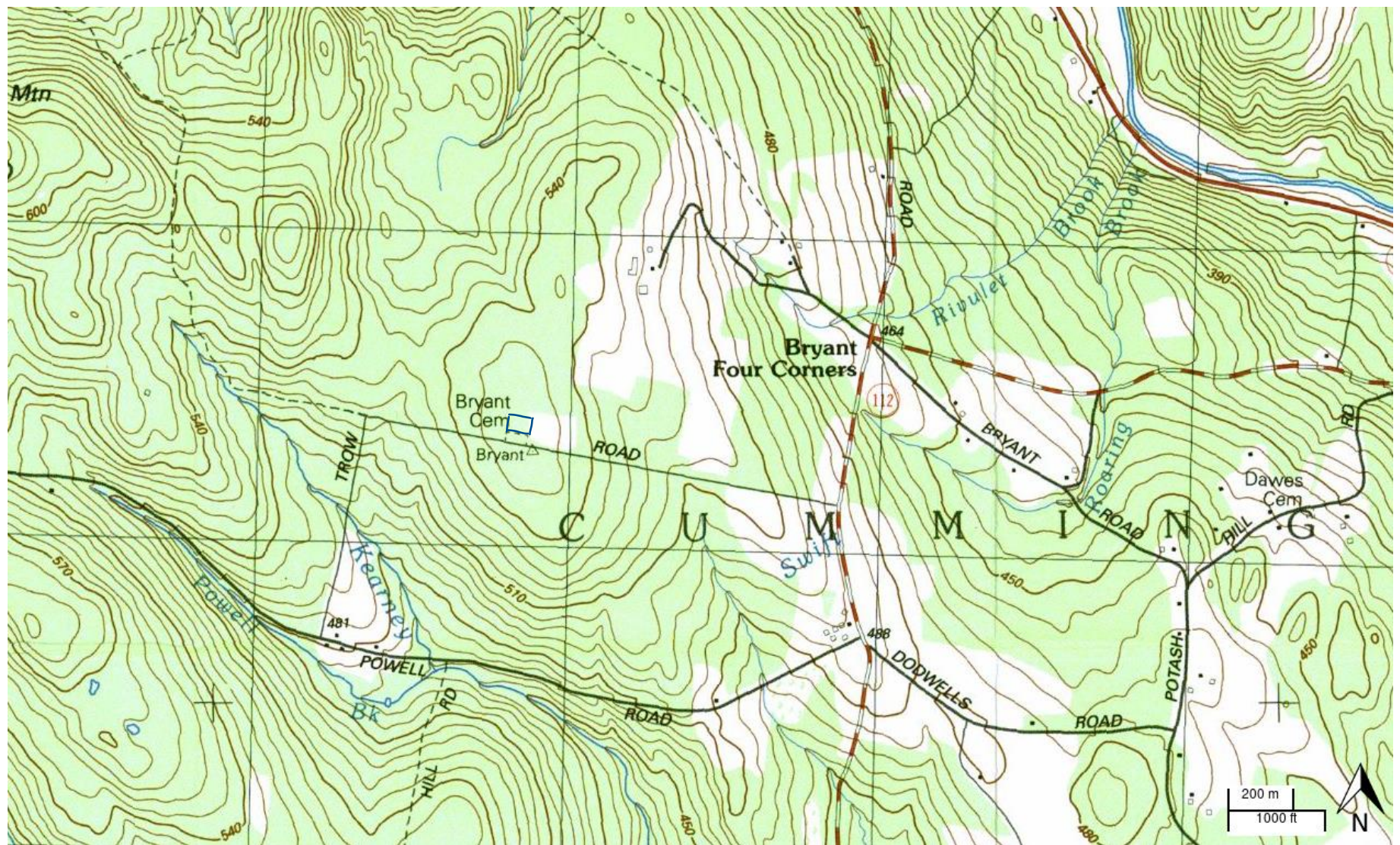


Exhibit G Proposed expansion of Bryant Cemetery plan.

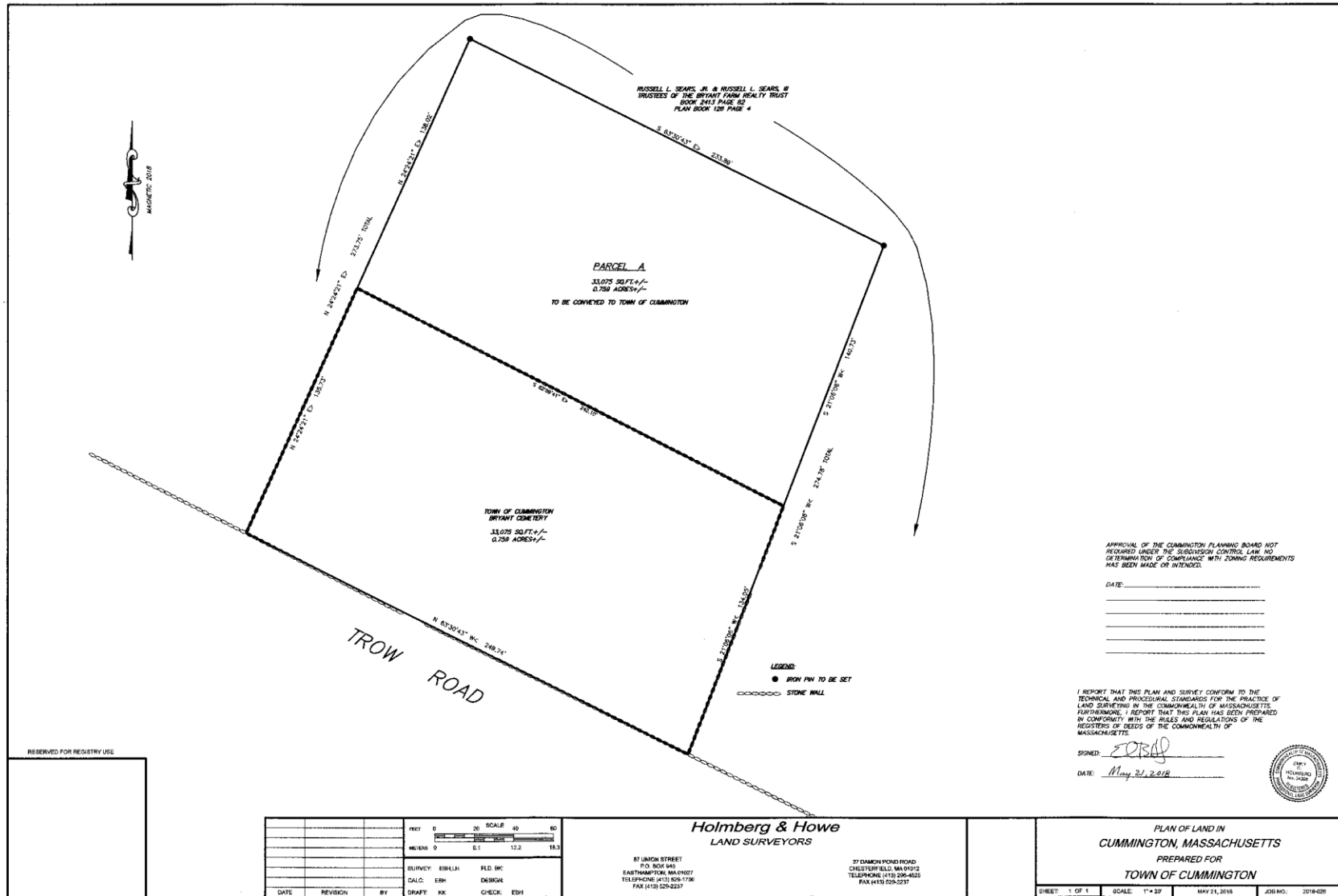


Exhibit H
5.128 acre parcel plan, parcel A

Plan Book 115 Page 34

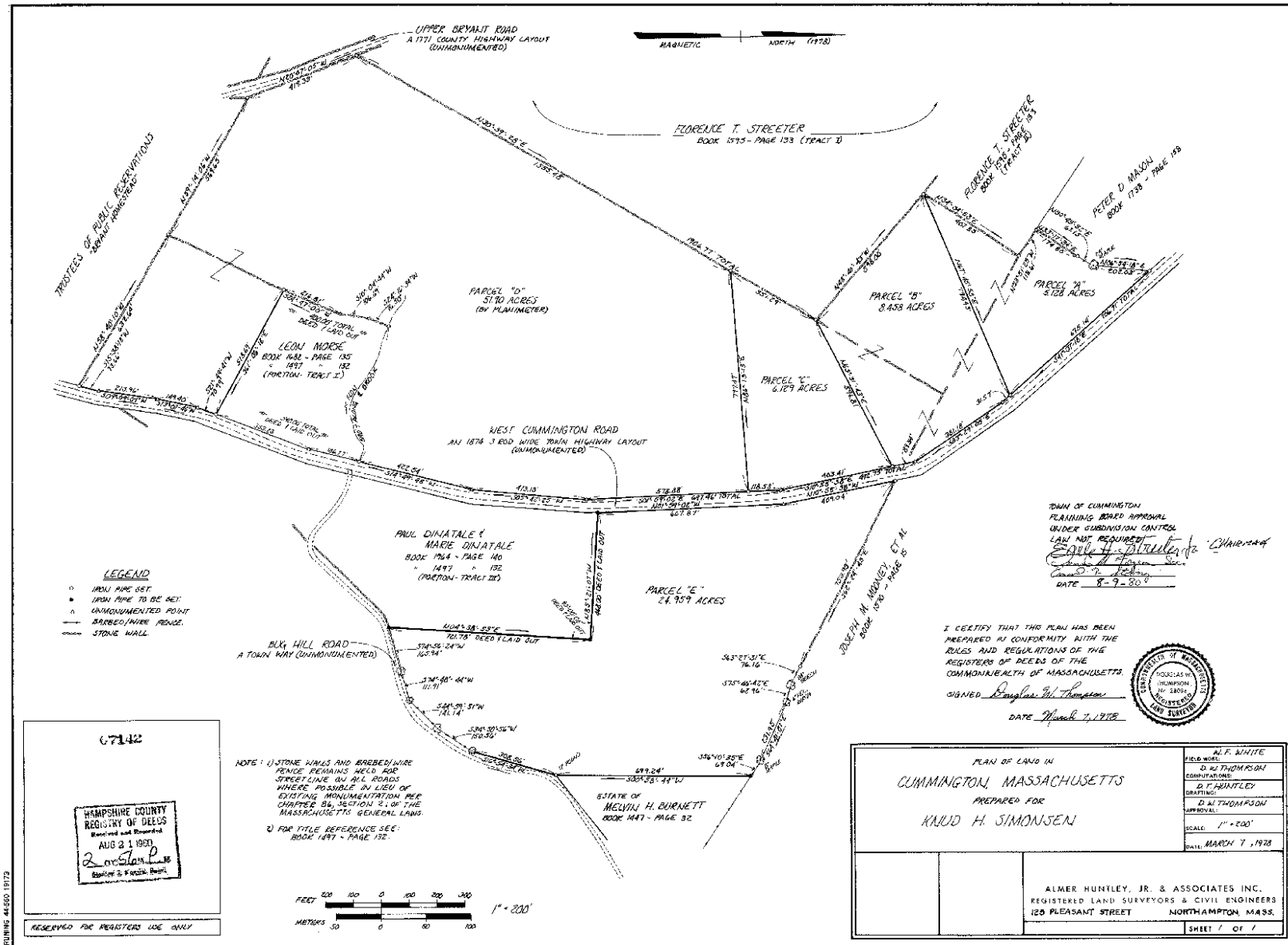


Exhibit I
5.128 acre parcel U.S.G.S. maps, parcel shown in light blue.



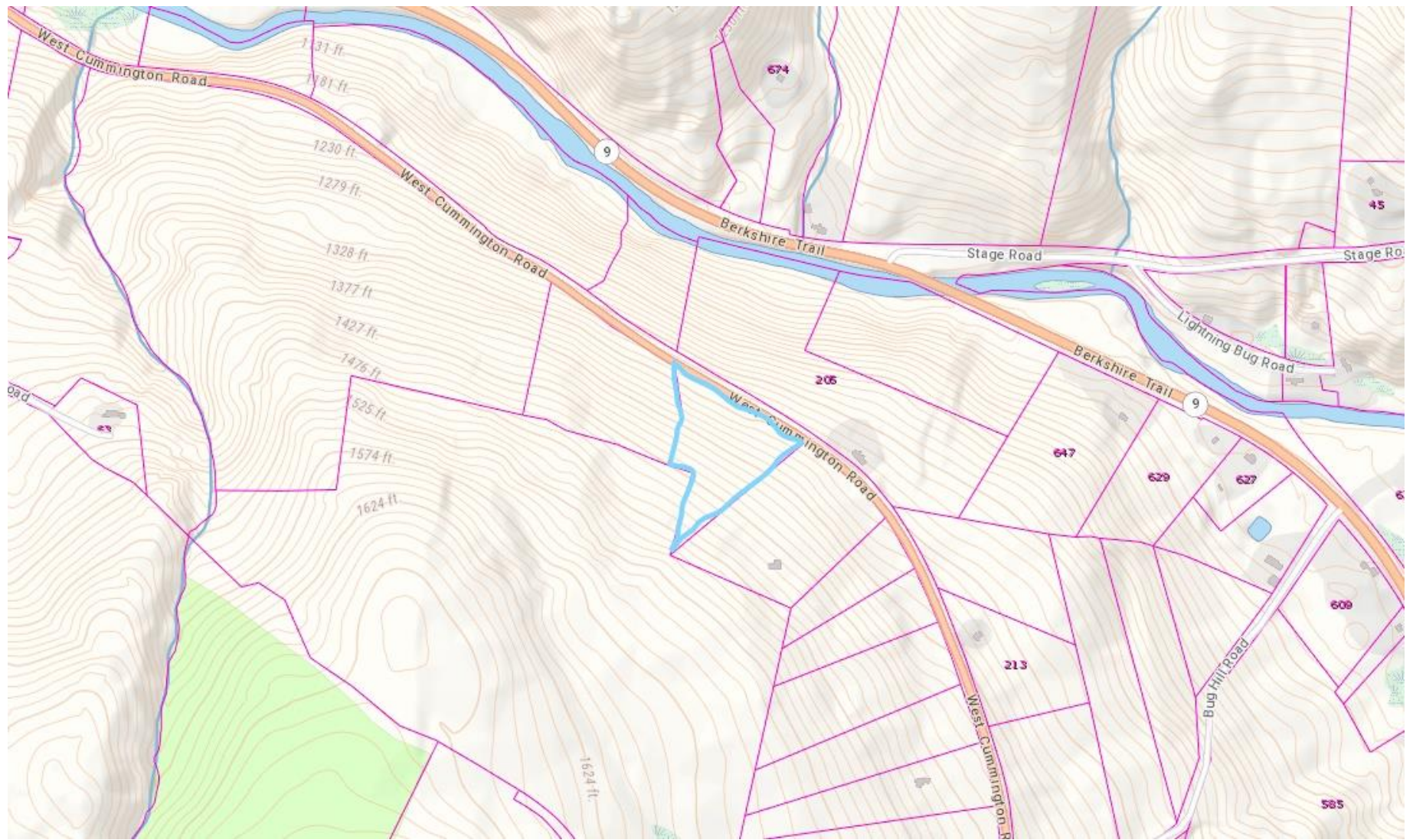


Exhibit J
Board of Assessors appraisals



TOWN OF CUMMINGTON
www.cummington-ma.gov/Boards.php?4
33 Main St, P.O. Box 74
Cummington, MA 01026
413-200-5010 (Phone), 413-634-5568 (fax)
boa@cummington-ma.gov

October 8, 2021

Re: Bryant Cemetery, 0 Trow Rd, 014.0-0003-0000.0.

To whom it may concern:

On May 8, 2020, at the request of the select board, the board of assessors conducted an appraisal of one (1) acre of land directly behind the Bryant Cemetery. The cemetery is currently .8 acres and has a market value of \$33,200. This is a flat lot, with easy access. It would be considered pre-existing non-conforming because it does not meet current zoning for rural residential (RR). The zoning for RR is 2 acres and 200' of frontage. Since adding 1 acre to the current .8 acres (for a total of 1.8 acres) still does not bring it up to the 2 acre prime lot, we used the prime lot curve that is part of our real estate valuation database. Our land value is based on fair cash value using recent sales in the Town of Cummington. The Board of Assessors works with Mayflower Valuation, Ltd every year to do a market analysis. At the time of this appraisal, the only comparable the board could look at was a sale in 2017 for a 2.58 acre flat piece of land with easy access on 0 Porter Hill Rd, which sold for \$41,000. On May 8, 2020, our appraisal of the 1 acre portion of land to be added to the current Bryant cemetery parcel was \$3,200.

The board of assessors completed a market analysis on September 21, 2021 with Mayflower Valuation. We reviewed 4 land sales in town between July 1, 2019 and June 30, 2021. The Board voted not to change the land tables for FY2022. Therefore, the original valuation of 1 acre behind the Bryant Cemetery remains the same.

Market value one (1) acre: \$3,200.

Respectfully,

Joy Johns, Chairman/Clerk
Mark Bevan
Elliot Ring



TOWN OF CUMMINGTON

www.cummington-ma.gov/Boards.php?4

33 Main St, P.O. Box 74

Cummington, MA 01026

413-200-5010 (Phone), 413-634-5568 (fax)

boa@cummington-ma.gov

October 8, 2021

Re: 0 West Cummington Rd, 007.0-0024-0000.0.

To whom it may concern:

At the request of the select board, the Board of Assessors met on Friday, December 20, 2019 to assess the above parcel of land. This parcel is owned by the Town of Cummington and has 5.128 acres. It has been surveyed in plan book 115, page 34, shown as parcel A. We drove to the property for a physical inspection and reviewed our database and GIS information. The property goes uphill starting at an elevation of 1,329, the next contour on the GIS map is 1,427 with approx. 200 ft measured on the GIS map between them. When we did the physical inspection, we found that approx. 30ft of the frontage had a very steep incline, once we got over that initial section, the slope was much more gradual. The assessors believe a house could be built on the more gradual section. The assessors voted unanimously to appraise the property at \$37,000.

Land tables have not changed since the time of this appraisal. The board of assessors completed a market analysis on September 21, 2021 with Mayflower Valuation, LTD. We reviewed 4 land sales in town between July 1, 2019 and June 30, 2021. The Board voted not to change the land tables for FY2022. Therefore, the original valuation of this parcel remains the same.

Market value: \$37,000. (This is with a house lot value.)

With restrictions: \$8,800 (This removes the house lot and values the land using our back land value.)

Respectfully,

Joy Johns, Chairman/Clerk
Elliot Ring
Mark Bevan